UNITED
NATIONS

A

General Assembly

PROVISIONAL

A/46/PV.32
17 October 1991

ENGLISH

Forty-sixth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE 32nd MEETING

Held at Headquarters, New York,
on Wednesday, 16 October 1991, at 10 a.m.

President: Mr. SHIHABI (Saudi Arabia)

- Observer Status for the Caribbean Community in the General Assembly (A/46/L.7) [141]
- Question of the Comorian Island of Mayotte [28]
  (a) Report of the Secretary-General (A/46/560)
  (b) Draft resolution A/46/L.9
- Elections to Fill Vacancies in Principal Organs [15]
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- Tentative Programme of Work

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The meeting was called to order at 10 a.m.

AGENDA ITEM 141

OBSERVER STATUS FOR THE CARIBBEAN COMMUNITY IN THE GENERAL ASSEMBLY (A/46/L.7)

The PRESIDENT (interpretation from Arabic): I call on the representative of Barbados to introduce the draft resolution in document A/46/L.7.

Mr. MAYCOCK (Barbados): I have the honour, on behalf of the sponsors, to introduce the draft resolution in document A/46/L.7, entitled "Observer status for the Caribbean Community in the General Assembly". I also have the honour to announce that, in addition to the 71 countries listed in that document, the following countries have become sponsors: Austria, Burundi, Denmark, France, Hungary, Israel, Italy, the Maldives, the Republic of Korea, Sao Tome and Principe, and Solomon Islands.

The establishment of the Caribbean Community (CARICOM), following the signing of the Treaty of Chaguaramas on 4 July 1973, marked a significant advance in realizing the instinctive aspiration to unity that has always been a distinguishing hallmark of West Indian peoples.

Two mutually reinforcing factors have fuelled the drive of the people of the West Indies to make common cause in the world. One of these has been our strong sense of mutual belonging, deriving from common social, cultural and political values, our shared historical experience and the similarity of the institutions that govern our lives. The second is the objective implication of the inexorable fact of the small scale of our individual societies, particularly in the context of the turbulent and difficult world in which we must survive.

It was the combination of these two factors that defined the membership, at least in its initial phase, of CARICOM, a membership that comprises the

(Mr. Maycock, Barbados)

13 countries and territories of Antigua and Barbuda, the Bahamas, Belize, the Commonwealth of Dominica, Grenada, the Republic of Guyana, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, the Republic of Trinidad and Tobago, and my own country Barbados, all of which are members of this Organization, with the exception of the dependency of Montserrat. These countries have been impelled to come together both by the need to combine their separate and individual limited capacities into a stronger unified whole and by the unifying force of their shared social and cultural affinity.

The advent of the Community, of course, represents the most recent development in the efforts made over many decades to give institutional form and content to this enduring quest for West Indian unity. One of the precursors of CARICOM was the West Indian Federation, which was established in 1958 and dissolved in 1961. The Federal experiment represented a holistic and comprehensive concept of regional unity that was based on political integration. It was followed by a series of annual meetings of Heads of Government of the Commonwealth Caribbean, which served the purpose of securing some important gains previously made, as well as laying the foundation for future advances. The launching of the Caribbean Free Trade Association (CARIFTA) in 1968 and the deepening of CARIFTA into the Caribbean Community in 1973 emerged from this foundation.

The closing of the Federal chapter in the history of the West Indian regional movement led, not surprisingly, to West Indian cooperation and integration efforts in succeeding years being focused essentially on functional and economic matters.

(Mr. Maycock, Barbados)

Within this context, the States members of the Caribbean Community (CARICOM) have been working together through their integration organs and mechanisms - such as the CARICOM Conference of Heads of Government, the Common Market Council and the various sectoral ministerial bodies - to achieve a range of clear objectives for the benefit of their peoples. These concrete goals are being pursued within the framework of the three pillars on which the Caribbean Community is firmly anchored - economic cooperation through the Caribbean Common Market; the coordination of foreign policy between the independent member States; and the promotion of functional cooperation through the efficient operation of certain common services, and the promotion of greater understanding between the peoples of the Community.

In the areas of trade and economic cooperation, the effort to create an enlarged common economic space for the member States is being maintained, with a view to providing a wider field for commercial interaction and exchange. To this end, sustained efforts are under way to forge a common external tariff within CARICOM; to facilitate the free movement of capital, including cross-trading in stocks on individual exchanges; to promote the free movement of persons; to establish free trade in services; to ensure the right of establishment; to advance cooperation in monetary matters; and to secure the unrestricted free movement of goods within the Community. Arrangements for joint management of external trade and economic relations of the member States also command an important place in the development of the CARICOM integration arrangements in the economic field.

With regard to foreign policy, the CARICOM member States have achieved a high degree of coordination in the management of their external political relations, thereby contributing to the positive resolution of political issues in the region and in the world at large.

(Mr. Maycock, Barbados)

In the area of functional cooperation, common programmes and measures have been, and are being, pursued for the purpose of advancing the common interests of the member States in sea and air transportation, in education and human-resources development, in health, in environmental matters, in the integration of women in development, in labour and industrial relations, in communication and information, in meteorology and science and technology, and in cultural matters.

The contemporary situation in the West Indies is marked by heightened consciousness of the importance of integration as an instrument for promoting the collective social and economic development of the West Indian people. Fuelled by this consciousness, a veritable ferment of evaluation and analysis is proceeding within the Caribbean Community in a far-reaching exercise to define the parameters and the instruments for concerted action and for shared ehancement of capacity as we advance into the decade of the 1990s and into the twenty-first century.

In this, the West Indian people are very conscious that the future demands creative linkages with their neighbours in the rest of the Caribbean and in Latin America, and already this is finding expression in the observer status that CARICOM has granted to a number of Caribbean and Latin American countries. The West Indian people are also conscious that the future demands that they be effectively linked, individually and collectively through their Community, to the important transformation processes taking place in the world and to the centres of international action where these processes are generated and mediated.

It is in this context that the admission of the Caribbean Community as an Observer in this body would be of immense value to the joint integration

(Mr. Maycock, Barbados)

arrangements of the countries comprising CARICOM. It would be one more outstanding act by the United Nations to facilitate the efforts exerted by small States to make their way in a complex world.

The sponsors are pleased to present draft resolution A/46/L.7 for the consideration of Member States, and express the wish that it will receive the Assembly's unanimous support.

The PRESIDENT (interpretation from Arabic): I wish to announce that Angola and Zimbabwe have joined the sponsors of draft resolution A/46/L.7.

The Assembly will now take a decision on the draft resolution in document A/46/L.7.

May I take it that the Assembly wishes to adopt this draft resolution?

Draft resolution A/46/L.7 was adopted (resolution 46/8).

The PRESIDENT (interpretation from Arabic): The Assembly has concluded its consideration of agenda item 141.

AGENDA ITEM 28

QUESTION OF THE COMORIAN ISLAND OF MAYOTTE:

(a) REPORT OF THE SECRETARY-GENERAL (A/46/560)

(b) DRAFT RESOLUTION A/46/L.9

The PRESIDENT (interpretation from Arabic): I call on the Secretary of State and Minister for Foreign Affairs and Cooperation of the Federal Islamic Republic of Comoros, Mr. Said Hassane Said Hachim, who will introduce the draft resolution in document A/46/L.9.

Mr. HACHIM (Comoros) (interpretation from French): When I had the privilege to address the Assembly last week, I stated how very much impressed I was that our Organization had regained its vitality and its prestige. Indeed, speaker after speaker in the general debate underscored the credibility and resolve with which our Organization was defending the noble principles contained in our Charter.

It is against this new background based on respect for law and justice, and in this new order in which the community of nations has decided unequivocally to condemn any use of force and reject any fait accompli, that we once again debate the question of the Comorian island of Mayotte.

As we have shown every time this matter has been discussed, the question of the Comorian island of Mayotte is the product of injustice and the flagrant violation of international law as well as French national law. Indeed, in addition to the fact that this problem contravenes the fundamental inviolability of borders inherited from colonization, it also violates the sacrosanct rule on the indivisibility of overseas territories and colonial entities - and yet this is included in the French Constitution. That is all the more so, given that successive French Governments have all stressed the need to respect the territorial unity of our country. Thus, all laws and administrative provisions adopted during the colonial period very clearly sanctioned the unity of the Comorian archipelago.

It was therefore perfectly logical that the Franco-Comorian Agreements of 1973 should have provided for the self-determination referendum for the Comoros to be carried out on a comprehensive basis, thus respecting the territorial unity of the archipelago.

(Mr. Hachim, Comoros)

Moreover, that is why the French Secretary of State for Overseas Departments and Territories said on 26 August 1974 in the French National Assembly, in reference to the aforementioned referendum, that the French Government had opted for a global consultation for the following three reasons:

"The first is a legal reason, since under the terms of international law a territory maintains the borders it had as a colony.

"Secondly, having a multiplicity of statutes for the different islands of the archipelago would be inconceivable.

"Thirdly, it is not France's mission to pit the Comorians against one another."

And he made it clear that

"France refuses to divide the Comoros, which have the same population, the same Islamic religion, the same economic interests."

The French Minister could have added: "the same language, the same culture and blood ties woven over the centuries."

Therefore, the Comorians were dismayed and amazed to learn that, contrary to these commitments and in flagrant violation of legality, the French Parliament, on 3 July 1975, had adopted a law - the Comorians described it as an "iniquitous" law - under which, contrary to what had been agreed, the results of the self-determination referendum would be considered not on a global basis but island by island.

It was therefore quite natural for the Socialist Deputies, scandalized by the French Government's about turn, to decide to place the matter before the French Constitutional Council, with a view to having the law declared unconstitutional.

(Mr. Hachim, Comoros)

For the sake of clarity, and to enable the Assembly to appreciate all the elements of this case, I crave members' indulgence as I cite some extracts from the letter by which the French Constitutional Council was seized of the matter.

The letter, on the letterhead of the French National Assembly, was dated 13 December 1975 and was addressed by the group of Socialist Deputies to the President and members of the Constitutional Council. It read, in part:

"In conformity with the provisions of article 61 of the Constitution, we have the honour to refer to the Constitutional Council the law relating to the results of the self-determination referendum in the Comoros Islands.

"We believe that this law is contrary to the Constitution for the following reasons: Since the time when the islands of Grande-Comore, Anjouan and Mohéli became a French protectorate, they have been joined together with the island of Mayotte as a single territory."

The first legislation on this subject was the decree of 9 September 1889. Since that date, the political and administrative unity of the Comoro archipelago has never been called into question by any law, despite the multitude of legal texts that have been adopted with regard to the Comoros: the law of 9 May 1946, the law of 17 April 1953, the decree of 22 July 1957, the law of 22 December 1961, and the law of 3 January 1968.

Whenever the legislators or the regulatory authorities have intervened, they have regarded the Comoro archipelago as constituting a single territory. It can even be held that the legislature took a clear decision on this matter by adopting the law of 9 May 1946. Indeed, that law was based on one proposed by an elected official of the Comoros, who stated the following in his exposition of the considerations prompting the law:

(Mr. Hachim, Comoros)

"It is the Islamic religion which, reinforced by a single dialect, Swahili, gives the archipelago its strong unity."

I point out for the Assembly's information that this elected official was none other than the late, lamented Said Mohamed Cheik, the first President of the Comoro Council of Government.

Before continuing to quote from this letter, I would recall that in the 1974 self-determination referendum 95 per cent of the Comorian people voted in favour of the independence of the archipelago.

As we have already indicated, the law of 3 July 1975 not only called into question the contents of the Agreements between France and the Comoros, but served as a pretext for the French Government to recognize the sovereignty of the new Comorian State over only three of the four islands which have always made up the territory of the Comoros.

That is why the Socialist Deputies at that time, in placing the matter before the French Constitutional Council, pointed out that

"Although, for the first time since 1889, one island had been amputated from the territory of the Comoro archipelago, France did not oppose the creation of the new Comorian State, which has been recognized by many foreign Powers and has recently been admitted to the United Nations without any opposition on the part of France.

"But international public opinion does not seem to have accepted France's change of doctrine, since for most foreign States the new Comorian State is the successor to the former French Comoro archipelago, constituted in 1889, and never called into question by France since that date."

(Mr. Hachim, Comoros)

Those are the facts which we wished to bring before the Assembly so that, in all objectivity, members could assess all the elements of this painful problem.

Since that time, we have heeded recommendations of the United Nations and all other international organizations and have never missed an opportunity to raise the question of Mayotte with the French side, on each occasion stating that we are prepared to examine any specific proposal that could help us emerge from this painful impasse.

In June 1990, during President François Mitterrand's visit to the Comoros, the Comorian Head of State, Mr. Said Mohamed Djohar, reiterated to his French counterpart, in the framework of the relations of confidence between our two countries, that a final solution to the problem of Mayotte must be found urgently.

President François Mitterrand, who has known our country well for many years and is sensitive to our concerns, once again personally confirmed France's determination to work in the interests of both parties. This is what he said in June 1990:

> "We shall be speaking about this, but I believe that we must immediately take the steps that will make possible continuous communications and exchanges between the islands: Mayotte and the others, the others and Mayotte.
>
> "Let there be no more barriers, theoretical but none the less real, between Comorians - and you are all Comorians: they and you yourselves.
>
> "And let France help you regain your very ancient solidarity. There is a multitude of forms of unity, believe me, and we shall seek them out."

(Mr. Hachim, Comoros)

As members can imagine, that statement raised great hopes among us and among others as well. For our part, we remain open to any proposal that might lead to a peaceful settlement of the problem of Mayotte through the simple application of international law. The climate of confidence and understanding that has always characterized relations between our country and France encourages us even today in persisting in that position.

In conclusion, once again we call for the good offices of our Organization, whose essential task is to encourage peace and understanding among peoples and nations, to help us in finding the most appropriate means of giving new impetus, decisive impetus this time, to the solving of the problem of Mayotte.

Allow me, finally, to express the deep appreciation of the Government of the Comoros to our Organization for the conscientious attention it has always paid to the question of Mayotte.

The draft resolution before the Assembly in connection with our present debate emphasizes the need to accelerate the process of negotiations between the Governments of France and the Comoros with a view to ensuring the prompt return of the island of Mayotte to the Comoros entity. We sincerely hope that it will be adopted.

Mr. DANGUE REWAKA (Gabon) (interpretation from French): Having been on the agenda of the General Assembly since 1976, the question of the Comorian island of Mayotte is well known to the Members of our Organization. It has to do, essentially, with respect for the territorial integrity of the Islamic Federal Republic of the Comoros.

It is regrettable that a satisfactory solution to this problem has not yet been found, despite numerous resolutions adopted by the United Nations on

(Mr. Dangue Rewaka, Gabon)

the question and the activities of the Ad Hoc Committee of Seven of the Organization of African Unity (OAU), which is presided over by my country. This Committee, composed of Algeria, Cameroon, the Comoros, Madagascar, Mozambique, Senegal and Gabon, has been entrusted since 1976, under the aegis of the OAU Secretary-General, with the study and implementation of any strategy and any measure that would facilitate a speedy solution to the problem of the Comorian island of Mayotte.

Last year the Assembly reaffirmed the sovereignty of the Islamic Federal Republic of the Comoros over the Comorian island of Mayotte. That this island should remain outside of the Comoros entity - something that cannot be justified either by geography or history - is contrary to law because it runs counter to the will of the Comorian people. Indeed, the result of the referendum on self-determination, held in the Comoros in December 1974 by the administering Power, France, clearly and massively showed the unequivocal will of the overwhelming majority of the populations that took part in the referendum to set up an independent, unitary State to replace the former colonial entity.

At a time when great changes are taking place in the world, Gabon, as Chairman of the OAU Ad Hoc Committee on the Comorian island of Mayotte, would like to address an appeal to the French Government to speed up the negotiation process with the Comorian Government in order speedily to achieve the return of the Comorian island of Mayotte to the Comoros entity. With a view to attaining this objective, I should like, on behalf of the OAU Ad Hoc Committee on this question, to request the General Assembly to vote massively in favour of the draft resolution just introduced by the Comorian Foreign Minister.

Mr. MERIMEE (France) (interpretation from French): Once again France can only express its regret that the General Assembly should have placed on its agenda an item relating to the island of Mayotte. We shall have to vote against the draft resolution, especially because of operative part 1.

However, my delegation has listened with great attention to the speakers on this matter, especially the Minister of Foreign Affairs of the Islamic Federal Republic of the Comoros. It appears that everybody wishes that a just and lasting solution be found. This is indeed the position of France. We are engaged in the active search for a satisfactory solution of the problem of Mayotte. In this spirit, France, through the President of the Republic, has declared itself willing to seek conditions for a solution to the problem of Mayotte, subject to the requirements of its own national law and those of international law.

The climate of trust established between the Federal Republic of the Comoros and the French Government makes it possible to continue with a constructive dialogue. This dialogue is based on the close relations between our two countries, as evidenced recently by the visit to France of the President of the Republic, Mr. Said Mohamed Djohar, in May 1991. We are convinced that such a dialogue, pursued with the constant desire to ensure conciliation, trust and openness, will, in spite of difficulties, make possible a common search by all parties concerned for an acceptable solution. France, for its part, will spare no effort in that direction.

The PRESIDENT (interpretation from Arabic): The Assembly will now take a decision on the draft resolution contained in document A/46/L.9.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Qatar, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: France

Abstaining: Albania, Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Dominica, Estonia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Panama, Portugal, Republic of Korea, Romania, Saint Vincent and the Grenadines, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The draft resolution was adopted by 115 votes to 1, with 34 abstentions (resolution 46/9).*

The PRESIDENT (interpretation from Arabic): That concludes our consideration of agenda item 28.

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* Subsequently the delegations of Bangladesh and Fiji advised the Secretariat that they had intended to vote in favour, and the delegation of Poland that it had intended to abstain.

AGENDA ITEM 15

ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS

(a) ELECTION OF FIVE NON-PERMANENT MEMBERS OF THE SECURITY COUNCIL

The PRESIDENT: The General Assembly will now proceed to the election of five non-permanent members of the Security Council to replace those members whose term of office expires on 31 December 1991.

The five outgoing members are the following: Côte d'Ivoire, Cuba, Romania, Yemen and Zaire. These five States cannot be re-elected, and therefore their names should not appear on the ballot papers.

Apart from the five permanent members, the Security Council will include in 1992 the following States: Austria, Belgium, Ecuador, India and Zimbabwe. The names of those States, therefore, should not appear on the ballot papers.

Of the five non-permanent members that will remain in office in 1992, two are from Africa and Asia, one is from Latin America and the Caribbean and two are from the Western European and other States.

(The President)

Consequently, pursuant to paragraph 3 of General Assembly resolution 1991 A (XVIII) of 17 December 1963, the five non-permanent members should be elected according to the following pattern: three from Africa and Asia, one from Eastern Europe, and one from Latin America and the Caribbean. This pattern is reflected in a single ballot paper. In accordance with the established practice, there is an understanding to the effect that of the three States to be elected from Africa and Asia two should be from Africa and one from Asia.

I should like to inform the Assembly that the number of candidates, not exceeding the number of seats to be filled, receiving the greatest number of votes and a two-thirds majority of those present and voting will be declared elected. In the case of a tie vote for a remaining seat, there will be a restricted ballot limited to those candidates that have obtained an equal number of votes.

May I take it that the General Assembly agrees to that procedure?

It was so decided.

The PRESIDENT: In accordance with rule 92 of the rules of procedure, the election shall be held by secret ballot, and there shall be no nominations.

I shall now call on those members who wish to speak before we proceed to the election.

Mr. FLORES BERMUDEZ (Honduras) (interpretation from Spanish): In my capacity as Chairman of the Latin American and Caribbean Group, I wish to confirm that the Group has endorsed Venezuela for the seat in the Security Council which falls to our region for the period 1992 and 1993.

Mr. GOSHU (Ethiopia): On behalf of the African Group, I should like to confirm that Cape Verde and Morocco are Africa's only candidates to

(Mr. Goshu, Ethiopia)

membership of the Security Council that are unanimously supported and endorsed by our Group.

Mr. HATANO (Japan): In my capacity as Chairman of the Asian Group, I should like to state that the Asian Group has endorsed the candidacy of Japan for a seat on the Security Council.

Mr. PODTSEROB (Union of Soviet Socialist Republics) (interpretation from Russian): As Chairman of the Eastern European Group, the Soviet delegation would like to state that this regional group supports the candidacy of Hungary.

The PRESIDENT: In accordance with the rules of procedure, we shall now proceed to the election by secret ballot, taking into account the statements made by the representatives of Honduras, Ethiopia, Japan and the Soviet Union, on behalf of their respective regional groups. Ballot papers are now being distributed.

May I request representatives to use only those ballot papers that have been distributed and to write on them the names of the five Member States for which they wish to vote. As I have indicated, the ballot papers should not include the names of the five permament members, the five outgoing non-permanent members, or the five non-permanent members that will remain in office in 1992. Votes for more States than the number of seats allocated to each region will be declared invalid and votes for States outside the relevant region will not be counted.

At the invitation of the President, Mr. Cornejo (Chile), Mr. Christiansen (Denmark), Mr. Nasser (Egypt), Mr. Ponikiewski (Poland) and Miss Arguillas (Philippines) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 11.10 a.m. and resumed at 11.45 a.m.

The PRESIDENT: The result of the voting for the election of the five non-permanent members of the Security Council is as follows:

Number of ballot papers:	161
Number of invalid ballots:	0
Number of valid ballots:	161
Abstentions:	0
Number of members voting:	161
Required two-thirds majority:	108
Number of votes obtained:	
Cape Verde	158
Japan	158
Venezuela	154
Hungary	149
Morocco	148
Nigeria	2
Argentina	1
Honduras	1
Tunisia	1
Yugoslavia	1

Having obtained the required two-thirds majority, Cape Verde, Hungary, Japan, Morocco and Venezuela were elected non-permanent members of the Security Council for a two-year term beginning on 1 January 1992.

The PRESIDENT: I congratulate the States that have been elected non-permanent members of the Security Council and wish them good luck. I should also like to thank the tellers for their assistance in this election.

(The President)

The Assembly has concluded its consideration of agenda item 15 (a).

TENTATIVE PROGRAMME OF WORK

The PRESIDENT: I should like to inform members that agenda item 142, Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, will be considered in the plenary Assembly on Monday, 4 November, as the first item in the morning. The list of speakers for this item is now open.

The meeting rose at 11.50 a.m.